United Nations S/2012/546

Security Council

Distr.: General
16 July 2012

Original: English

Letter dated 13 July 2012 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 5 of Security Council resolution 1972 (2011), I have the honour to transmit herewith the report of the Emergency Relief Coordinator on the implementation of paragraphs 3 and 4 of that resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see annex).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) H. S. **Puri**
Chairman
Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

12-42776 (E) 200712

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Annex

Letter dated 2 July 2012 from the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

In accordance with paragraph 5 of Security Council resolution 1972 (2011), I have the honour to transmit the requested report on the implementation of paragraphs 3 and 4 of the resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see enclosure).

The humanitarian community working in Somalia wishes to advise that, as in the four previous reports, it maintains the definition of the term "implementing partner" pursuant to paragraph 5 of Security Council resolution 1916 (2010), which is as follows:

> "Implementing partner", a non-governmental organization or community-based organization that has undergone due diligence to establish its bona fides by a United Nations agency or another non-governmental organization, and that reports when requested to the Resident and Humanitarian Coordinator for Somalia on mitigation measures. Implementing partners have the following characteristics:
>
> (a) The organization is part of the consolidated appeals process for Somalia (or the common humanitarian fund process);
>
> (b) The organization is represented in a cluster's 3W matrix (*Who* does *What* and *Where*).

I remain available should you have any questions about the content of the report or need further clarification on the humanitarian situation in Somalia.

(*Signed*) Valerie **Amos**
Under-Secretary-General for Humanitarian Affairs
and Emergency Relief Coordinator

Enclosure

Report of the United Nations Resident and Humanitarian Coordinator for Somalia

Introduction

1. The present report is the fifth submission pursuant to Security Council resolution 1972 (2011), the successor resolution to resolution 1916 (2010). In paragraph 5 of resolution 1972 (2011), the Council requested the Emergency Relief Coordinator to report to the Security Council by 15 July 2012 on the implementation of paragraphs 3 and 4 of the resolution and on any impediments to the delivery of humanitarian assistance in Somalia, through the support of United Nations agencies and organizations having observer status in the General Assembly that provide humanitarian assistance.

2. The present report covers the period from November 2011 to June 2012. It focuses primarily on the regions of Somalia under the control of Al-Shabaab, which was listed, pursuant to paragraph 8 of Council resolution 1844 (2008), by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, on 12 April 2010.

3. As in the four previous reports (S/2010/372, S/2010/580, S/2011/125 and S/2011/694), the present report outlines constraints to humanitarian access and their operational implications, as well as the mitigation measures that have been put in place to address the politicization, misuse and misappropriation of humanitarian assistance.

4. During the reporting period, the security environment in southern and central Somalia remained volatile, with brief but violent clashes taking place between a number of actors, including Transitional Federal Government troops, the Ethiopian National Defence Forces, the Kenya Defence Forces, Ahl al-Sunna wal Jama'a, the African Union Mission in Somalia (AMISOM) and Al-Shabaab. Central and southern Somalia also remained the epicentre of the humanitarian crisis. Humanitarian access remained difficult owing to generalized insecurity, the direct limitations on humanitarian action imposed by Al-Shabaab and the operating constraints faced in providing assistance in settlements of internally displaced persons, particularly in Mogadishu. Humanitarian organizations have sought different operational modalities in an effort to balance risks and the ability to continue to deliver to people in need. Significant progress has also been made with regard to the overall risk management framework in Somalia.

Constraints on humanitarian access and their operational implications

5. Compared with the previous reporting period, there has been a significant improvement in the humanitarian situation throughout Somalia. Areas affected by famine conditions decreased from six to three in mid-November 2011. By February 2012, famine conditions no longer prevailed in the country. This was largely a result of the effective delivery of aid and the exceptional harvest at the beginning of the year. The gains are still very fragile, however, and could easily be reversed without continued assistance. An estimated 2.51 million people are still in need of immediate humanitarian assistance, over 70 per cent of them in southern Somalia. An additional 1.3 million people are in need of livelihood support. Malnutrition and

mortality rates are still unacceptably high, with 320,000 children under 5 years of age acutely malnourished.

6. Humanitarian actors have been able to maintain the increased levels of presence and assistance reached in the fourth quarter of 2011. During the reporting period, roughly 1,070 national and international United Nations staff were in Somalia at any given time. According to the latest data, food assistance reached 2.2 million out of 2.5 million Somalis in need. Over a quarter of a million malnourished children were treated, and immunization programmes reached 1 million Somali children and women of childbearing age. Water, sanitation and hygiene partners reached more than 1.1 million people with sustained water interventions, 1.6 million people with temporary water programmes and 600,000 people with sanitation activities. Food and livelihood projects increased and reached more than 1 million Somalis, as the rebuilding of resilience was prioritized as a common humanitarian objective.

7. Conflict in southern and central Somalia continues to have a significant impact on the civilian population. From November 2011 to early June 2012, a total of 98,964 arrivals of internally displaced persons were reported in Mogadishu. In February 2012 alone, approximately 25,000 people were displaced by fighting between AMISOM/Transitional Federal Government forces and Al-Shabaab. There is a continuing inflow of population into Kenya. Exact numbers remain unconfirmed, however, as the registration of new arrivals in the Dadaab refugee camp has been suspended since the kidnapping of two international aid workers in mid-October 2011.

8. During the reporting period, Transitional Federal Government/AMISOM forces took control of several towns, including Afgooye, Baidoa, Beledweyne and Afmadow. At the time of writing, advances continue towards other Al-Shabaab strongholds, including Kismaayo. While the Transitional Federal Government has been able to establish itself in several key towns, control of these areas is very tenuous and does not, in general, extend beyond the urban perimeter. Al-Shabaab currently retains control of the areas surrounding these "garrison towns", from where it continues to engage in asymmetrical warfare.

9. In the areas no longer under Al-Shabaab control, the efforts of humanitarian organizations to increase presence and activities have proved difficult owing to the lack of clarity with regard to power holders, heightened insecurity and, in some cases, the logistical difficulties in maintaining supply routes. In November 2011, Al-Shabaab further restricted the number of organizations able to operate in areas under their control. Moreover, there continue to be reports of Al-Shabaab imposing taxes and seizing assets, targeting both humanitarian and private business actors.

10. In Mogadishu, the security situation has improved but remains highly volatile. Over the reporting period, Mogadishu saw regular attacks with hand grenades and improvised explosive devices (vehicle-borne and otherwise), as well as a significant increase in targeted threats and killings by Al-Shabaab. From November 2011 to May 2012, the World Health Organization recorded 3,345 civilian casualties being treated in the three main hospitals in Mogadishu. It is important to note, however, that this is approximately half the casualty rate of the previous reporting period.

11. Mogadishu has seen increased humanitarian and development activities on the part of various United Nations agencies, international non-governmental

organizations, organizations supported by Turkey and the Organization of Islamic Cooperation. In their efforts to deliver aid, humanitarian organizations continue to face an array of impediments. District-level authorities, unregulated militia and representatives of clans and internally displaced persons continue to exert control over internally displaced populations, limiting or taxing their access to aid. A number of non-governmental organizations have reported attempts by different levels of authorities to control aid distribution, the typology of aid being delivered or the identification of target populations.

Risk mitigation measures

12. The risk of diversion of humanitarian aid remains a concern throughout Somalia. The humanitarian community has sought to address this by developing diverse programming modalities. Several organizations have opted for cash transfers and voucher schemes, which are a lower risk.

13. As mentioned in the previous report, the United Nations country team has formally established a Risk Management Unit comprising two staff and headed by a Risk Manager. The Risk Management Unit is a unique structure in the United Nations system that supports all agencies, funds and programmes working on Somalia (including humanitarian and development assistance) and helps to facilitate more effective, efficient and harmonized assistance to the people of Somalia.

14. The Risk Management Unit is actively involved in promoting enterprise risk management in Somalia, as well as throughout the wider United Nations system and with the international community. The Unit has completed a number of risk assessments and provided risk management support to the country team. These assessments have resulted in the identification of potential fraud and corruption and conflicts of interest and in the development of corporate risk profiles.

15. Since the previous report, the Risk Management Unit has established the Contractor Information Management System, a database that contains data from nine United Nations agencies; work is continuing to capture data from other entities of the United Nations country team. At the moment, the database holds information on 1,112 individual contractors and 1,850 contracts valued at more than $317.8 million. It is also able to capture information about board members and shareholders and to upload risk reports and the biographical details of individuals, including photographs.

16. A key milestone in the development of the database has been the introduction of a search tool that enables the user to search an entity or individual (original, including Arabic, script, primary name, secondary name, aliases) on all United Nations consolidated lists of designated persons and entities, including those subject to financial sanctions. This functionality, like the Risk Management Unit itself, is unique within the United Nations system and significantly enhances due diligence.

17. Further supporting due diligence efforts, the Risk Management Unit designed and completed the common minimum standards for due diligence. The standards have been provided to the country team and are particularly relevant for the cluster working groups. The standards recognize that traditional due diligence models tend to favour larger entities, as they are able to provide "acceptable" levels of information, such as bank accounts and evidence of internal audit mechanisms, which are more difficult for small and medium-sized entities to provide. This then

results in the latter entities being assessed as a greater risk and subsequently penalized.

18. The Risk Management Unit recently, has established a risk monitoring team, which will provide basic monitoring and surveillance activities in Mogadishu and will be in place in July 2012. Upon the request of United Nations entities, the team will provide assessments and progress reports of their aid delivery in Mogadishu, highlighting existing or potential problems to senior management. The intention is to expand this programme support to operations throughout Somalia.

19. The risk management team will also support wider monitoring and evaluation activities by producing six-monthly strategic reports that will entail an overall analysis of the monitoring activities, findings, observations and key issues relating to the implementation of projects and activities. The reports will assist the country team in managing interventions and identifying opportunities to collectively improve implementation.

20. The Risk Management Unit is also actively involved in promoting enterprise risk management throughout the wider United Nations system, as well as the international community, through training and direct support to donors, partners and other United Nations country teams. This is to ensure that international best practice is incorporated in the enterprise risk management implemented by the country teams and that lessons learned can be shared.

Impact of resolutions 1916 (2010) and 1972 (2011)

21. More than two years after the adoption of Security Council resolution 1916 (2010) and, later, resolution 1972 (2011), views on the impact of the resolutions on donor funding are relatively positive. As stated in previous reports to the Security Council, the general consensus seems to be that, although funding delays occurred initially, the resolutions have facilitated the provision of financial and material support to life-saving activities. Paragraph 4 of resolution 1972 (2011) provides for an exemption for a period of 16 months from the provisions of paragraph 3 of resolution 1844 (2008); that exemption is due to expire in July 2012. The non-renewal of the humanitarian exemption might result in delays in the delivery of humanitarian assistance in areas controlled by non-State armed groups.

22. With respect to the impact of the resolutions on organizations operating in Somalia, the Humanitarian Coordinator for the country on behalf of the Emergency Relief Coordinator, surveyed organizations operating in Somalia on the mitigation measures that the humanitarian community had adopted. Organizations surveyed reported on the use of several mitigation measures, such as the comprehensive screening of staff, implementing partners and contractors.

23. Several organizations continue to operate outside the exemption regime. Drawing humanitarian organizations into the sanctions regime has been viewed by some as an erosion of the principles of neutrality and independence.

24. At the global level, the Office for the Coordination of Humanitarian Affairs and the Norwegian Refugee Council have commissioned a study on the impact of national counter-terrorism measures on humanitarian action. The study will include a review of relevant national legislation criminalizing the provision of support to and engagement with designated entities, an analysis of provisions in funding agreements limiting or imposing conditions on humanitarian activities,

consideration of measures imposed by host States that preclude, limit or impose conditions on the engagement of humanitarian actors with or support for groups considered "terrorist", and a review of how different humanitarian actors have reacted to such measures.

Conclusion

25. Despite improvements, the situation in Somalia is still fragile, and a significant part of its population remains in need of humanitarian assistance. While risks associated with the delivery of humanitarian assistance remain high, risk management and mitigation measures have been significantly strengthened. Agencies are now able to quickly adapt to minimize the possible misuse or misappropriation of humanitarian assistance. Comprehensive due diligence processes are in place, and efforts to strengthen monitoring and evaluation systems are ongoing.

26. As a result of higher levels of accountability and the implementation of due diligence measures, the Security Council is invited to consider the cessation of the present reporting requirement.